

# House Study Bill 590 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON COWNIE)

## A BILL FOR

1 An Act exempting internet protocol-enabled service and voice  
2 over internet protocol service from specified regulatory  
3 authority.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION.   **476.30 Internet protocol-enabled**  
2 **service and voice over internet protocol service — regulation.**

3     1. Notwithstanding any other provision to the contrary,  
4 a department, agency, board, or political subdivision of the  
5 state shall not by rule, order, or other means directly or  
6 indirectly regulate the entry, rates, terms, or conditions  
7 for internet protocol-enabled service or voice over internet  
8 protocol service.

9     2. For the purposes of this section:

10    *a. "Internet protocol-enabled service"* means any service,  
11 capability, functionality, or application that uses internet  
12 protocol or any successor protocol and enables an end user to  
13 send or receive voice, data, or video communication in internet  
14 protocol format or a successor format.

15    *b. "Political subdivision"* means the same as defined in  
16 section 145A.2.

17    *c. "Voice over internet protocol service"* means an internet  
18 protocol-enabled service that facilitates real-time, two-way  
19 voice communication that originates from, or terminates at, a  
20 user's location and permits the user to receive a call that  
21 originates from the public switched telephone network and to  
22 terminate a call on the public switched telephone network.  
23 *"Voice over internet protocol service"* does not include a  
24 service that uses ordinary customer premises equipment with no  
25 enhanced functionality that originates from and terminates on  
26 the public switched telephone network, undergoes no internet  
27 protocol conversion, and provides no enhanced functionality  
28 to end users due to the provider's use of internet protocol  
29 technology.

30     3. This section shall not be construed to modify or affect  
31 the following:

32    *a.* The application or enforcement of a law or rule that  
33 may apply generally to the conduct of business in this state,  
34 including but not limited to consumer protection and unfair or  
35 deceptive trade practice laws or rules.

1     *b.* The board's authority under 47 U.S.C. §§251 and 252.

2       c. Surcharges for enhanced 911 services pursuant to chapter  
3 34A or assessments for dual party relay service pursuant to  
4 chapter 477C.

5	EXPLANATION
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6           The inclusion of this explanation does not constitute agreement with  
7           the explanation's substance by the members of the general assembly.

8 This bill provides that, notwithstanding any other provision  
9 to the contrary, a department, agency, board, or political  
10 subdivision of the state shall not by rule, order, or other  
11 means directly or indirectly regulate the entry, rates, terms,  
12 or conditions for internet protocol-enabled service or voice  
13 over internet protocol service.

14 The bill defines "internet protocol-enabled service" to mean  
15 any service, capability, functionality, or application that  
16 uses internet protocol or any successor protocol and enables an  
17 end user to send or receive voice, data, or video communication  
18 in internet protocol format or a successor format. The bill  
19 defines "voice over internet protocol service" to mean an  
20 internet protocol-enabled service that facilitates real-time,  
21 two-way voice communication that originates from, or terminates  
22 at, a user's location and permits the user to receive a call  
23 that originates from the public switched telephone network and  
24 to terminate a call on the public switched telephone network.  
25 The bill provides that "voice over internet protocol service"  
26 does not include a service that uses ordinary customer premises  
27 equipment with no enhanced functionality that originates from  
28 and terminates on the public switched telephone network,  
29 undergoes no internet protocol conversion, and provides no  
30 enhanced functionality to end users due to the provider's  
31 use of internet protocol technology. The bill references a  
32 definition of "political subdivision" contained in Code section  
33 145A.2 as meaning any county, township, school district, or  
34 city.

35 The bill provides that the bill's provisions regarding

1 exemption from regulation shall not be construed to modify or  
2 affect the application or enforcement of a law or rule that may  
3 apply generally to the conduct of business in Iowa, including  
4 but not limited to consumer protection and unfair or deceptive  
5 trade practice laws or rules; to the Iowa board's authority  
6 under federal law relating to telecommunications carrier  
7 interconnection agreements and procedures; or to surcharges  
8 for enhanced 911 services pursuant to Code chapter 34A or  
9 assessments for dual party relay service pursuant to Code  
10 chapter 477C.